

REMARKS

In response to the objection to the specification as set forth in items 2-4 on pages 2 and 3 of the Office Action, Applicants have submitted herewith a new Abstract of the Disclosure, on a separate sheet as required. Accordingly, reconsideration and withdrawal of this ground of rejection are respectfully requested.

In response to the objection to Claim 1, the phrase "systemcomprising" has been changed to "system comprising", as required, and the latter wording incorporated into independent Claim 3.

Item 1 of the Office Action indicates that Applicants have improperly claimed priority for this application under 35 U.S.C. §119(a)-(d) based on International Application PCT/EP01/11633 filed October 8, 2001, since the United States application was filed more than 12 months thereafter.

In response to these observations, Applicants note that the present application does not claim priority of the international application as indicated. Rather, as indicated consistently in the Application Data Sheet, the Declaration, and the original transmittal letter (PTO-1390) which accompanied the application as filed, the present application is in fact a U.S. National Stage Application under 35 U.S.C. §371 of the International Application PCT/EP01/11633. Accordingly, the 12 month period referred to in 35 U.S.C. §119

does not apply to this application, which is subject only to the requirement that it be filed within 30 months following the earliest claimed priority date, which in this case is the filing date of the International Application on October 8, 2001.

Applicants also note that the U.S. National Stage Application under 35 U.S.C. §371 in this instance was filed on September 29, 2005, together with a Petition for Revival of an Unintentionally Abandoned Application. The latter Petition was granted by a Decision of the Office of PCT Legal Administration, a copy of which is attached hereto. Accordingly, Applicants respectfully submit that the present application was timely filed in the United States as a U.S. National Stage Application of International Application PCT/EP01/11633.

Claims 1, 3-14, 17-22 and 45 have been rejected under 35 U.S.C. §102(b) as anticipated by Eberl (WO 02/033472). In addition, Claims 1 and 4-14 have been rejected as anticipated by Strachan (U.S. Patent No. 5,980,041). However, for the reasons set forth hereinafter, Applicants respectfully submit that the Eberl publication does not constitute prior art with respect to this application, and that all claims which remain of record in this application, including new Claims 46-54, distinguish over the cited Strachan reference.

The Eberl publication is in fact the international version of the present U.S. National Stage Application under the Patent Cooperation Treaty. That is, as can be seen from the face of the International Patent Document, the published international application which bears the Publication No. WO

02/33472 is the same as International Application PCT/EP01/11633, of which the present application is in fact the national stage application. Under 37 C.F.R. §363, such an international application designating the United States has the same effect, from its international filing date, of a national application for patent regularly filed in the Patent and Trademark Office. Accordingly, the cited document is simply the international filing the present U.S. National Stage Application, and is not prior art. It is indeed the same application.

The Strachan reference, on the other hand, has been cited only in regard to Claims 1 and 4-14. Accordingly, Claims 3, 17-22 and 45 have not been rejected on prior art grounds, and are believed therefore to be allowable. By the foregoing amendment, Claims 1, 2, 4, 5, 9, 11-16 and 18-44 have been cancelled, and independent Claims 3 and 17, neither of which stands rejected under prior art grounds, have been rewritten in independent form. Accordingly, Claims 6-8 and 10, which now depend from Claim 3, and Claim 45, which depends from Claim 17 are now believed to be allowable as well, leaving only new Claims 46-54 for further consideration in light of the Strachan patent.

Claim 46 defines an information system for providing information to an eye, which system comprises spectacles that include a holographic element disposed in front of the eye. A camera is configured and arranged to detect "light from an environment ambient to said eye", and an optical projection device projects light into the eye via the holographic element.

By way of contrast, in Strachan, as described, for example, in the specification at Column 3, lines 47-67, light from a light source 8 is directed onto a holographic optical element from which it is directed to the retina 4 of an eyeball 2. Light 17 reflected from the retina is partially focused by the eye lens 6 and passed through the holographic element 12 from which it is focused on a sensor chip 14. Additional embodiments depicted in Figures 3 and 4 are similar in that the light reflected from the retina is directed onto a detector (not shown in either figure).

The detection arrangement in Strachan therefore differs from the present invention as defined in Claim 46, in that it contains no provision for detecting "light from an environment ambient to said eye". Rather, in each of the embodiments in Strachan, the only light which is detected is that which is reflected from the retina 4 of the eye 2. Accordingly, Applicants respectfully submit that Claims 46-50, 52 and 53 distinguish over Strachan.

New Claim 51 also differs from Strachan, in that it recites that the holographic element diffracts wavelengths of projected light. Such an arrangement is also not shown in Strachan. Finally, new Claim 54 defines an information system for providing information to an eye, which comprises spectacles that include a holographic element disposed in front of the eye, as well as an optical projection device that projects light into the eye via the holographic element. In addition, Claim 54 further recites that the holographic element has


a light diffracting characteristic at at least a first discrete wavelength, which corresponds to a reflection on the concave side of a surface constructed according to the curvature of a rotationally symmetrical ellipsoid, as well as a light diffracting characteristic at at least a second discrete wavelength which corresponds to a diffraction on the concave side of such a surface. Finally, Claim 54 also specifies that the diffraction corresponds to a reflection on a respective conical surface which is rotationally symmetrical about the axis of rotation of the ellipsoid, and is perpendicular with respect to the ellipsoid at the site of the diffraction. The latter feature of the invention is also not found in Strachan, which includes only a holographic element 12 "which generates the image of a bright evenly illuminated interior of a hemisphere 16".

Strachan also contains no disclosure which suggests the use of such a holographic element which has a first light diffracting characteristic at a first discrete wavelength and a second light diffracting characteristic at a second discrete wavelength, with the first diffracting characteristic corresponding to a reflection on the concave side of a surface, while the latter diffraction characteristic corresponds to a diffraction on the concave side of the surface. Moreover, Strachan contains no disclosure which is directed to a diffraction which corresponds to a reflection on a respective conical surface, such as described in the last paragraph of Claim 54. Accordingly, Applicants respectfully submit that Claim 54 further distinguishes over the cited Strachan reference and is allowable.

In light of the foregoing remarks, this application should be in consideration for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #101795.56307US).

Respectfully submitted,



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In re Application of
EBERL *et al*
U.S. Application No.: 10/551,445
PCT No.: PCT/EP01/11633
Int. Filing Date: 08 October 2001
Priority Date: 07 October 2001
Attorney's Docket No.: 101795.56307US
For: INFORMATION SYSTEM AND
METHOD FOR PROVIDING
INFORMATION USING A
HOLOGRAPHIC FILE

DECISION

Applicants' "Petition for Revival of an Unintentionally Abandoned Application Under 37 C.F.R. §1.137(b)" filed with the national stage papers on 29 September 2005 is hereby **GRANTED** as follows:

The basic national fee and petition fee for a small entity have been paid. Applicants' statement and explanation in the petition are sufficient to meet the requirements of 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration was not included with any of the papers submitted.

Accordingly, this application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee is required.

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(12) NACH DEM VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES
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- Veröffentlicht:
— ohne internationalen Recherchenbericht und erneut zu
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- Zur Erklärung der Zweibuchstaben-Codes und der anderen
Abkürzungen wird auf die Erklärungen ("Guidance Notes on
Codes and Abbreviations") am Anfang jeder regulären Ausgabe
der PCT-Gazette verwiesen.

(54) Title: INFORMATION SYSTEM AND METHOD FOR PROVIDING INFORMATION USING A HOLOGRAPHIC ELEMENT

(54) Bezeichnung: INFORMATIONSSYSTEM UND VERFAHREN ZUM ZURVERFÜGUNGSTELLEN VON INFORMATIONEN UNTER VERWENDUNG EINES HOLOGRAPHISCHEN ELEMENTS

(57) Abstract: The invention relates to an information system and to a method for providing information using a holographic element. The information system for providing information in correlation with light that is incident on an eye is provided with a holographic element disposed in front of the eye and with an optical scanning device that detects the light that is incident on the eye via the holographic element. The invention further relates to a method for providing information in correlation with light that is incident on an eye, whereby a holographic element is disposed in front of the eye and an optical scanning device detects the light that is incident on the eye via the holographic element.

(57) Zusammenfassung: Die vorliegende Erfindung betrifft ein Informationssystem sowie ein Verfahren zum Zurverfügungstellen von Informationen unter Verwendung eines holographischen Elements. Sowohl ein Informationssystem zum Zurverfügungstellen von Informationen in Korrelation mit auf ein Auge fallendem Licht mit einem vor dem Auge gelagerten holographischen Element und einer optischen Abtastvorrichtung, die auf das Auge fallendes Licht über das holographische Element erfaßt, als auch ein Verfahren zum Zurverfügungstellen von Informationen in Korrelation mit auf ein Auge fallendem Licht, bei dem ein holographisches Element vor dem Auge gelagert wird und eine optische Abtastvorrichtung das auf das Auge fallende Licht über das holographische Element erfaßt, werden offenbart.

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